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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,702	12/05/2003	Brent Parks	AAI-14274	4591

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AUTOLIV ASP, INC
 Attn: Sally J. Brown ESQ
 3350 Airport Rd
 OGDEN, UT 84405

EXAMINER

JOHNSON, STEPHEN

ART UNIT	PAPER NUMBER
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3641

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/729,702

Applicant(s)

PARKS ET AL.

Examiner

Stephen M. Johnson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 3-10, 21 and 37-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 11-20 and 22-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-40 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/2003; 8/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. Applicant's election with traverse of species D (illustrated in figs. 4A, 4B, 5A, and 5B (combination)) in the reply filed on 8/15/2005 is acknowledged. The traversal is on the ground(s) that two way distinctness has not been demonstrated. In response, note that the first part of two way distinctness is directed to a use of the subcombination (in this case the actuator assembly of either fig. 1, fig. 6A, or fig. 6B etc.). Clearly the actuator assemblies of any of these illustrated embodiments could be used absent an electrical conductor to be interrupted. By way of just a few examples, please note the usages of the extendable actuators in Murphy (209) or Barr et al. (131) or Amamori (279 B1). None of these usages are associated with interrupting an electrical current or as an electrical cut-off switch. With regard to the second portion of two way distinctness, note that an evidence claim has been provided to show that the combination does not require the particulars of the subcombination as claimed for patentability (claims 10 and 22) (Bsp and ABbr). Another example would be claims 5 and 22 (Bsp and ABbr).

It is argued that each of claims 11-20 require the particulars of claims 1 and 2. While this is accurate, these are not the claims being relied upon by the examiner to demonstrate the second portion of two way distinctness. It is further argued that independent claim 22 requires an actuator and a support housing. This is also accurate. However, independent claim 22 does not require either "a difference ... is about 4 mm. to about 8 mm.". Nor does it require "a plurality of non-random folds" or "the non-random folds include corrugations". Consequently, the comparison as described (Bsp vs. ABbr) is an accurate description and the second portion of two way distinctness has been met.

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For all of the reasons given above, the request for reconsideration and withdrawal of the restriction requirement is not convincing and the requirement for restriction is made FINAL.

Claims 11-20 and 22-36 are directed to the elected species and an action on these claims follows. Claims 1-2 are considered to be linking claims and an action on these claims is also included.

Claims 3-10, 21, and 37-40 are withdrawn from consideration as being directed to non-elected species. The elected species (combination illustrated in figs. 4A, 4B, 5A, and 5B) does not include “a fold whereby a first portion of the extendable initiator cup and a second portion of the extendable initiator cup overlap”.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 11-20, and 22-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lagofun in view of Murphy.

Lagofun discloses an assembly in combination with an electrical conductive member comprising:

- | | |
|---|--------|
| a) an actuator including an extendable initiator cup; | 58, 62 |
| b) a storage chamber; | 52 |
| c) a reactive charge; | 56 |
| d) an electrical conductor; | 60 |
| e) a support housing including longitudinal bore; | 50, 66 |

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f) a housing end stop;	66
g) an electrical conductive member;	64
h) an unextended position;	see fig. 2
i) an extended position;	see fig. 4
j) a cavity;	above 64 (see fig. 2)
k) a cutter;	62
l) a first electrical contact;	64A
m) a second electrical contact; and	64B
n) a moveable element.	62

Lagofun applies as recited above. However, undisclosed is an electrical actuator whose initiator cup is extendable from a shorter length to a longer length via a plurality of corrugated folds. Murphy teaches an electrical actuator whose initiator cup is extendable from a shorter to a longer length via a plurality of corrugated folds (see fig. 3; col. 3, lines 59-75; col. 4, lines 1-4). Applicant is substituting one electrical actuator for another in an analogous art setting. It would have been obvious to a person of ordinary skill in this art at the time of the invention to apply the teachings of Murphy to the Lagofun combination and have a combination with a different type of electrical actuator.

4. Claims 1-2, 11-20, and 22-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lell in view of Murphy.

Lell discloses an assembly in combination with an electrical conductive member comprising:

a) an actuator including an extendable initiator cup;	see fig. 17
b) a storage chamber;	inside 41

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c) a reactive charge;	7
d) an electrical conductor;	attached to 13
e) a support housing including longitudinal bore;	1
f) a housing end stop;	1 (upper portion)
g) an electrical conductive member;	3
h) an unextended position;	see fig. 17
i) an extended position;	see fig. 18b
j) a cavity;	19
k) a cutter;	41 (upper portion)
l) a first electrical contact; and	3 (one side)
m) a second electrical contact.	3 (other side)

Lell applies as recited above. However, undisclosed is an electrical actuator whose initiator cup is extendable from a shorter length to a longer length via a plurality of corrugated folds. Murphy teaches an electrical actuator whose initiator cup is extendable from a shorter to a longer length via a plurality of corrugated folds (see fig. 3; col. 3, lines 59-75; col. 4, lines 1-4). Applicant is substituting one electrical actuator for another in an analogous art setting as explicitly encouraged by the primary reference (see figs. 12-18b of Lell). It would have been obvious to a person of ordinary skill in this art at the time of the invention to apply the teachings of Murphy to the Lell combination and have a combination with a different type of electrical actuator.

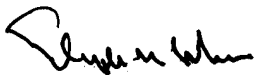
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Green, Hardesty, Mathisen, Barr et al., Amamori, Marchant, Robinson, and Cunningham et al. disclose other state of the art actuator assemblies.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Johnson whose telephone number is 571-272-6877. The examiner can normally be reached on Tuesday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571-272-6873. The Central FAX phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 800-786-9199.



STEPHEN M. JOHNSON
PRIMARY EXAMINER

Stephen M. Johnson
Primary Examiner
Art Unit 3641

SMJ
August 23, 2005